

**BOARD OF ADJUSTMENT  
SIGN VARIANCE  
APPLICATION PACKET**

**The following information is required to be submitted prior to review by City Staff for placement on the Board of Adjustment agenda:**

- ☐ 1. Completed Property Information Form.
- ☐ 2. A notarized letter from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance, if the Petitioner is not the property owner.
- ☐ 3. Completed Application form.
- ☐ 4. Eight (8) sets of scaled drawings of the proposed sign(s) showing the location, design, materials, dimensions, and height.
- ☐ 5. Eight (8) sets of the completed site plans, including the location of existing and proposed signs, buildings, landscaping, parking, building elevations, and other pertinent information as requested by staff.
- ☐ 6. **Filing Fee: \$208.00 plus \$52.00 for each additional request at the same site.**

**To The Applicant: By placing a check mark by each of the following paragraphs, you are certifying that you have performed that task. A check mark must be placed by each numbered paragraph before placement on the Board's agenda.**

- ☐ 7. a. Pre-application conference with the Planning & Development staff  
b. With whom: \_\_\_\_\_
- ☐ 8. Petitioner has checked for Homeowner Association requirements, property covenants, and deed restrictions that might have a bearing on the application.
- ☐ 9. Signage will be subject to Building Code review at the time a sign permit application is made. The petitioner can check with Building Safety Department at 259-5656 to discuss applicable standards.
- ☐ 10. Any available information to be presented as an exhibit at the variance hearing should be submitted to the Secretary at the time of application. (If applicable)
- ☐ 11. If a Court Reporter is needed for a case, then the petitioner is responsible for making those arrangements and notifying the Board of Adjustment Secretary.

*-Pursuant to NCGS 160A-388, City Code Sec. 7-6-2, and the Rules of Procedure for the Board of Adjustment, appeals from decisions of the City's administrative staff must be filed within 60 days of the contested action.*

*-The Authorized Practice Committee of the North Carolina State Bar has issued an opinion (Advisory Opinion 2006-1) stating in essence that appearance in a representative capacity before quasi-judicial bodies of local government, such as boards of adjustment, is the practice of law within the meaning of NCGS 84-2.1 and 84-4, which prohibit the unauthorized practice of law.*

*City Planning staff may not provide legal advice to applicants. Applicants are advised to consult the appropriate sections of the North Carolina General Statutes, Asheville City Code, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.*

SignVarianceAppl1.doc

**NORTH CAROLINA**

**BEFORE THE ASHEVILLE**

**BUNCOMBE COUNTY**

**BOARD OF ADJUSTMENT**

**CITY OF ASHEVILLE**

**PROPERTY INFORMATION**

**(Please fill out form completely)**

**Property Address/Location:**

\_\_\_\_\_

**PIN Map#:**\_\_\_\_\_

**Zoning:**\_\_\_\_\_ **Use of Property:** \_\_\_\_\_

**Title to this property is in the name of : (Furnish current address/please print legibly)**

**Property Owner:**

\_\_\_\_\_

**Property Owner's Address:**

\_\_\_\_\_

**Property Owner's Signature:**

\_\_\_\_\_

\_\_\_\_\_  
**(Business Name or Petitioner if other than Property Owner)**

\_\_\_\_\_  
**(Petitioner's Address)**

\_\_\_\_\_  
**(Agent's Name)**

\_\_\_\_\_  
**(Agent's Address)**

\_\_\_\_\_  
**(Phone Number)**

\_\_\_\_\_  
**(Phone Number)**

**NORTH CAROLINA**  
**BUNCOMBE COUNTY**  
**CITY OF ASHEVILLE**

**BEFORE THE BOARD OF ADJUSTMENT**  
**SIGN VARIANCE APPLICATION FORM**

**To the Asheville Board of Adjustment**

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a variance(s) from the City of Asheville Sign Ordinance, being Article 13 of the Unified Development Ordinance, for my real property located at:

\_\_\_\_\_

Applicable Ordinance Section: \_\_\_\_\_

Sign Size: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Sign Height: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

# Signs: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Sign Setback: Permitted \_\_\_\_\_ Proposed \_\_\_\_\_

Other (describe): \_\_\_\_\_

\_\_\_\_\_

**Factors Relevant to the Issuance of a Variance**

In order for the Board to consider your request for a sign variance, you must provide answers to the following questions and appear at the Board meeting when your request is considered. These questions are generated from the standards for variances set forth in Section 7-19-9 of the UDO. You should thoroughly consider your answers, as the Board must find in your favor on each of these standards before you can be granted your request.

**1. How does complying strictly with the sign provisions of the Unified Development Ordinance prevent you from making reasonable use of the sign(s) allowed?**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. What is unique about your hardship? How is your hardship different from owners of the surrounding properties or the general public?**

---

---

---

---

**3. How does the hardship relate to your property (such as the configuration or terrain of the site)? (NOTE: Personal or business hardships can not be used to justify a variance as a variance, if granted, runs with the property, not the owner.)**

---

---

---

---

**4. Why isn't the hardship that does not allow you to use signs as authorized by the UDO not a result of your own actions?**

---

---

---

---

**5. Will the variance result in the extension of a nonconforming use or authorize the initiation of a nonconforming use?:**

---

---

**6. Describe how the variance is in harmony with the general purpose and intent of the City's sign regulations and how does granting you your request preserve the spirit of the UDO, secure the public safety and welfare, and do substantial justice?**

---

---

---

---

**7. Why can't a variance smaller than the one that you've requested provide the same relief from the requirements of the sign regulations?**

---

---

---

---

**In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Ordinance. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the Unified Development Ordinance.**

---

**DATE**

---

**PETITIONER'S SIGNATURE**

---

**PETITIONER'S NAME (PLEASE PRINT)**